

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
USIA-06 ACDA-12 MCT-01 HA-05 /092 W  
-----032938 091419Z /41  
R 091345Z MAR 78  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC 3943  
INFO AMCONSUL BELFAST

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 03797

E. O. 11652: GDS  
TAGS: SHUM, UK  
SUBJECT: HUMAN RIGHTS: INQUIRY ABOUT PRISONERS IN  
UK JAILS

REF: (A) STATE 55819, (B) LONDON 3631

1. REF A, IN ADDITION TO REQUESTING INFORMATION ON TWO SPECIFIC CASES, RAISED THE LARGER QUESTION OF USG POSTURE TOWARD THE UK ON HUMAN RIGHTS QUESTIONS INVOLVING PRISONERS IN BRITISH JAILS. IN ADDITION TO DESCRIBING THE ADDITIONAL INFORMATION NEEDED TO IDENTIFY BRITISH SUBJECT CONCAGH (SEE BELOW), THIS CABLE ADDRESSES THE LARGER QUESTION AND OUTLINES A RECOMMENDED RESPONSE TO INQUIRIES ABOUT NON-AMCIT PRISONERS FROM U.S. CITIZENS.

2. WHITE AND CONCAGH CASES. THE EMBASSY RECOMMENDS AGAINST AN APPROACH TO THE FCO ON EITHER OF THE TWO CASES RAISED IN REF A. AN APPROACH IN WHITE'S CASE IS UNNECESSARY, AS THE REQUESTED INFORMATION WAS ALREADY AVAILABLE AND HAS BEEN TRANSMITTED TO THE DEPARTMENT (REF B). IN CONCAGH'S CASE, SUCH ACTION THROUGH THE FOREIGN OFFICE WOULD BE SINGULARLY CONFIDENTIAL

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INAPPROPRIATE AND SUBJECT TO POSSIBLE MISINTERPRETATION BY BRITISH OFFICIALS, FOR REASONS ELABORATED BELOW. HOWEVER, THE CONGEN BELFAST INQUIRED INFORMALLY ABOUT CONCAGH THROUGH HIS REGULAR NI OFFICE CONTACTS. THE NI OFFICE HAS INFORMED HIM THAT NEITHER THE NI PRISON SERVICE NOR THE ROYAL ULSTER CONSTABULARY HAVE A RECORD OF KEVIN CONCAGH OR OF ANY CORRESPONDENCE FROM

AN AMERICAN CITIZEN SISTER. IN ORDER TO MAKE FURTHER INFORMAL INQUIRIES IN THIS CASE, WE WILL REQUIRE: CONFIRMATION OF SPELLING OF NAME; DATE AND PLACE OF SUBJECT'S BIRTH; HIS ADDRESS IN NI; AND DATE AND CIRCUMSTANCES OF HIS ARREST.

3. AMERICAN CITIZEN PRISONERS. THE EMBASSY IS SENSITIVE TO U.S. CITIZEN INTEREST IN THE WELFARE OF AMCIT PRISONERS IN THE UK AND CARRIES OUT A REGULAR PROGRAM OF PRISON VISITS. ON THE BASIS OF THESE VISITS, WE HAVE CONCLUDED THAT THE STANDARDS OF TREATMENT IN HM'S PRISONS ARE BROADLY COMPARABLE TO THOSE IN THE U.S. FEDERAL PRISON SYSTEM.

4. NON-AMCIT PRISONERS. IT SEEMS REASONABLE TO ASSUME THAT THE OVERWHELMING MAJORITY, IF NOT ALL, OF THE INQUIRIES ABOUT NON-AMCIT PRISONERS IN THE UK WILL INVOLVE ALLEGED HUMAN RIGHTS VIOLATIONS. IN DETERMINING OUR RESPONSE TO SUCH INQUIRIES, THE DEPARTMENT SHOULD TAKE INTO ACCOUNT HMG'S GENERALLY EXCELLENT HUMAN RIGHTS RECORD AS DESCRIBED IN THE ANNUAL HUMAN RIGHTS REPORT TO CONGRESS, THE PLACE OF HUMAN RIGHTS IN THE HIERARCHY OF U.S. INTERESTS IN THE UK AND ANY SPECIAL CIRCUMSTANCES APPLICABLE TO SPECIFIC CASES (E.G TERRORIST-RELATED CRIMES IN NI). HMG, AS THE DEPARTMENT IS AWARE, IS PARTICULARLY SENSITIVE TO CONFIDENTIAL

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INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-05 H-01  
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R 091345Z MAR 78  
FM AMEMBASSY LONDON

TO SECSTATE WASHDC 3944  
INFO AMCONSUL BELFAST

C O N F I D E N T I A L SECTION 02 OF 02 LONDON 03797

ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN NI. AS REGARDS NI, WE BELIEVE IT IS WORTH NOTING: THAT THE EUROPEAN HUMAN RIGHTS COURT RECOGNIZED THE SITUATION IN NI REPRESENTS A THREAT TO THE FUNDAMENTAL "RIGHT TO LIFE" OF BRITISH SUBJECTS AND THAT HMG'S EMERGENCY POWERS TO MEET THIS THREAT HAVE BEEN REASONABLE AND LEGAL; THAT ALL PRISONERS IN NI HAVE BEEN CONVICTED OF CRIMINAL ACTS BY REGULAR COURTS -- THERE ARE NO "POLITICAL PRISONERS"; AND THAT THE PROVISIONAL IRA AND ITS SUPPORTERS ACTIVELY SEEK TO USE ALLEGED HUMAN RIGHTS VIOLATIONS TO DISCREDIT HMG, AS THE DEPARTMENT IS AWARE (FEBRUARY 15 MEMCON OF HA/IRISH NATIONAL CAUCUS MEETING).

5. ACCORDINGLY, WE URGE THE DEPARTMENT, WHENEVER POSSIBLE, TO REFRAIN FROM AGREEING TO MAKE INQUIRIES ABOUT NON-AMCIT PRISONERS IN NI. IN RESPONDING TO SUCH REQUESTS, THE DEPARTMENT CAN DRAW ON POINTS DESCRIBED ABOVE, THE ANNUAL HUMAN RIGHTS REPORT TO CONGRESS AND THE REPORT OF THE EUROPEAN HUMAN RIGHTS COURT IN THE CASE OF IRELAND V. UK. IT MAY ALSO POINT OUT THAT THE EUROPEAN HUMAN RIGHTS COMMISSION AND

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COURT PROVIDE A MEANS TO INVESTIGATE AND REMEDY ALLEGED VIOLATIONS OF HUMAN RIGHTS IN THE UK AND, CONSEQUENTLY, U.S. INVOLVEMENT IN NON-AMCIT CASES WOULD NOT NORMALLY SEEM NECESSARY OR APPROPRIATE.

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Executive Order:** GS  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014